

NATIONAL TRANSPORTATION SAFETY BOARD

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IN RE: :
 :
THE EL FARO INCIDENT OFF THE: NTSB Accident No.
COAST OF THE BAHAMAS ON : DCA16MM001
OCTOBER 1, 2015 :
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INTERVIEW OF: IVAN BURGOS

Tuesday,
October 13, 2015

Via teleconference

BEFORE:

MIKE KUCHARSKI, NTSB
KEVIN STITH, TOTE Services
LOUIS O'DONNELL, ABS
[REDACTED] U.S. Coast Guard

PRESENT ON BEHALF OF THE INTERVIEWEE:

MIKE TANNER, ESQ., Tanner Bishop

This transcript was produced from audio
provided by the National Transportation Safety Board.

1 P-R-O-C-E-E-D-I-N-G-S

2 8:09 a.m.

3 MR. KUCHARSKI: Good morning everyone. This
4 is Mike Kucharski. I'm with the NTSB. The reason
5 we're here today, we're actually in the Jacksonville
6 Marriott Hotel. I say we, there's a group of us which
7 I will ask everyone to introduce themselves once we get
8 started.

9 The reason we're here is to investigate the
10 incident with the El Faro. And we're doing an
11 interview right now telephonically with Mr. Ivan
12 Burgos. And he is in San Juan right now.

13 And Mr. Burgos, where exactly are you in San
14 Juan?

15 MR. BURGOS: Okay. I'm at the terminal, the
16 San Juan TOTE terminal, basically at Pier H of the port
17 in San Juan.

18 MR. KUCHARSKI: Okay, great. And Mr.
19 Burgos, is anyone present with you in the room right
20 now?

21 MR. BURGOS: No, sir. There's no one
22 present.

23 MR. KUCHARSKI: Great. And do I have your
24 permission to record this interview?

25 MR. BURGOS: You do have my permission.

1 MR. KUCHARSKI: Okay, great. Thank you very
2 much. You are allowed to have a personal
3 representative at this meeting -- at this interview.
4 Do you have a personal representative designated?

5 MR. BURGOS: Yes, sir.

6 MR. KUCHARSKI: Great. Could you tell us
7 his name?

8 MR. BURGOS: That would be Mike Tanner.

9 MR. KUCHARSKI: Mike Tanner. Great, thank
10 you very much. Okay, the time right now is 8:09 on
11 October 14, 2015. As I mentioned, we're here in the
12 Jacksonville Marriott.

13 The purpose of this investigation is to
14 increase safety, not to assign fault, blame or
15 liability. The NTSB cannot offer any guarantee of
16 confidentiality or immunity from legal or certificate
17 actions.

18 And let me stop right there Mr. Burgos. We
19 have no enforcement powers. But what we discuss will
20 be part of the public docket.

21 So, your name will be made public as an
22 interviewee. And this interview will be made public to
23 anyone who likes to view this.

24 Now you can -- we will transcribe this
25 interview. Which means it will be written down. They

1 will take my tape recording and they will transcribe
2 it.

3 You can view this transcript if you wish, if
4 you let me or the NTSB or TOTE know, they will convey
5 that to me. And we will get a copy to you to review.

6 It will go to you, not to your personal
7 representative or anyone else. It will go to you so
8 you can review it.

9 If you have any suggested changes, sometimes
10 especially for a telephonic interview, sometimes the
11 words may be missed or incorrectly transcribed. So,
12 you will be offered that opportunity to go ahead and
13 suggest changes to the transcript.

14 Do you understand that so far?

15 MR. BURGOS: Yes, I understand.

16 MR. KUCHARSKI: Great. As I mentioned
17 earlier, you can have one personal representative of
18 your choice. The representative may be an attorney,
19 but is not required to be.

20 The representative may not testify on your
21 behalf. So, the -- what would happen essentially is if
22 you wanted to consult with your personal
23 representative, we would either stop the interview I
24 think, or you could talk to him maybe on another line
25 and discuss it.

1 But the answer will be your answer only.
2 Okay? The representative really, as this is not a
3 legal proceeding, is -- they can't make any objections
4 to the questions. They can ask for clarification or
5 you can certainly.

6 It's not to try to win or lose. It's not a
7 win or lose situation here. Again, it's no legal
8 proceeding. It's just to try to get to the bottom of
9 what actually happened during this incident.

10 Any questions so far?

11 MR. BURGOS: No. No, sir.

12 MR. KUCHARSKI: Okay, great. So, would you
13 please -- oh, sorry, let me go around the room and
14 starting from my right. And let the people that are
15 here introduce themselves.

16 CAPTAIN STITH: Captain Kevin Stith with
17 TOTE Services, Operation Group.

18 MR. O'DONNELL: Louis O'Donnell, Assistant
19 Chief Surveyor, American Bureau of Shipping.

20 MR. TANNER: Mike Tanner, personal
21 representative for Mr. Burgos.

22 CMDR [REDACTED] Commander [REDACTED] with
23 the U.S. Coast Guard, a member of the Operations Group.

24 MR. KUCHARSKI: Okay. And again, my name is
25 Mike Kucharski. Mr. Burgos, would you spell your

1 complete name?

2 MR. BURGOS: Yes, sir. Ivan, I-V-A-N
3 Burgos, B- as in boy, U-R-G-O-S.

4 MR. KUCHARSKI: Thank you. Could you tell
5 us basically about your background in the marine
6 industry -- actually, let me back up. What is your
7 official title?

8 MR. BURGOS: At this moment I'm the Terminal
9 Manager for San Juan. TOTE Maritime here in San Juan.

10 MR. KUCHARSKI: TOTE Maritime in San Juan.
11 And you say at this moment.

12 MR. BURGOS: Yes, sir.

13 MR. KUCHARSKI: Could you explain that?

14 MR. BURGOS: I'm sorry?

15 MR. KUCHARSKI: You say at this moment. Are
16 there plans for you to change that position or --

17 MR. BURGOS: Oh, no, no, no. I'm sorry,
18 just confirming that that's my position.

19 MR. KUCHARSKI: Okay. Thank you. How long
20 have you been at that position?

21 MR. BURGOS: This position basically like
22 around three years.

23 MR. KUCHARSKI: Three years. Okay, great.
24 And so now would you tell us your background in the
25 marine industry? Just education, the jobs that you've

1 held in the marine industry?

2 MR. BURGOS: Okay. My education, I have a
3 Bachelor's degree in Business Administration. I've
4 been 19 years in the industry, all of them with this
5 same company. They were formerly SeaStar. And before
6 it was SeaStar, SeaBarge.

7 So I started with SeaBarge, and all the way
8 up to what it is today, which is TOTE Maritime.

9 MR. KUCHARSKI: Great. Thank you. Would
10 you briefly go through your jobs during that time?

11 MR. BURGOS: Yes, sir. I started off as a
12 messenger. That was my first job here at SeaBarge.
13 From messenger I went up to a dispatch clerk. From
14 dispatch clerk to supervisor in that area.

15 And then the into traffic implementation
16 supervisor. And then later on I was Director for the
17 company for the Traffic and Inventory Department. And
18 from there to what I am right now, the Terminal
19 Manager.

20 MR. KUCHARSKI: Okay, thank you. Could you
21 tell us about the structure of TOTE Maritime in San
22 Juan?

23 MR. BURGOS: Structure, basically here we
24 have a General Manager, which is in charge of the whole
25 operation or the whole -- basically the whole office in

1 San Juan and the Carribean. We have a sales
2 department, you have an operations department, trade
3 collection, risk management, equipment control and
4 maintenance.

5 That's more likely the whole structure here
6 on the island. Oh yes, we have also a person that's in
7 charge of HR. Basically all of us, we share services
8 with our main office in Jackson.

9 The whole -- for the whole composition,
10 basically here on the port is 19 -- 19 head count, so
11 the head count is 19 people. And the rest are at the
12 main office which is at the Castle Building in San
13 Tusa. It's our central office, or that's where our
14 General Manager is, and our equipment and our whole
15 sales department and the credit collections and the HR.

16 MR. KUCHARSKI: Okay, great. And who is
17 your direct report?

18 MR. BURGOS: Is that people that direct
19 report to me? Or who do I report to?

20 MR. KUCHARSKI: Who do you report to?

21 MR. BURGOS: I report to the General
22 Manager, which is Mr. Eduardo Pagan.

23 MR. KUCHARSKI: Eduardo Pagan. Great,
24 great. And who are your direct reports? Who reports
25 to you?

1 MR. BURGOS: Direct reports I have Paula
2 Esquerdo, Michelle Medina, I have Treson Natherio, and
3 Josue Leon. Oh, and also Jeanette Rios.

4 MR. KUCHARSKI: Okay, Jeanette Rios, great.
5 Great. And who would be the direct reports, the people
6 that report to you that actually physically handle the
7 documentation, the working of the ship? Let me say the
8 working of the ship? The cargo, stowage and stability
9 type issues?

10 MR. BURGOS: That would be Paula Esquerdo,
11 Jeanette Hale and Mr. Negron, but he's the ops
12 superintendent.

13 MR. KUCHARSKI: The ops superintendent.
14 Okay. And what was that person's name again?

15 MR. BURGOS: Josue, that's J-O-S-U-E Negron,
16 E-G-R-O-N.

17 MR. KUCHARSKI: Great, thank you. Thank
18 you. And who of those people would have actually
19 worked the ship in -- the El Faro on her last departure
20 from San Juan?

21 MR. BURGOS: Mr. Josue Negron. He's always
22 the person that works the vessels.

23 MR. KUCHARSKI: Okay, so --

24 MR. BURGOS: He's more likely in charge of
25 the RoRo part, roll on/roll off. And the rest of the

1 operations also reports to him.

2 MR. KUCHARSKI: Okay. Does he physically go
3 on the vessel?

4 MR. BURGOS: Yes, sir.

5 MR. KUCHARSKI: He does. Okay. And who
6 actually does the stability work? And who actually
7 does the stowage work?

8 MR. BURGOS: That would be Paula Esquerdo
9 and Wilma Colon. Wilma Colon reports to Jeanette Rios.
10 Paula Esquerdo is basically like the back up of that
11 part.

12 MR. KUCHARSKI: Okay, so Paula Esquerdo, she
13 does the stowage of the vessel?

14 MR. BURGOS: Yes, sir.

15 MR. KUCHARSKI: And who calculates the
16 stability?

17 MR. BURGOS: Basically that's done by a
18 system they have. We input information and it gives us
19 more like the weighing of the vessel. And we just with
20 the amount of the weight of each container, that's what
21 we input in the system. Cargomax it's called.

22 MR. KUCHARSKI: Great. And who physically
23 puts the information into the Cargomax? Who put the
24 information in for the stowage of the El Faro on her
25 last voyage from San Juan?

1 MR. BURGOS: If I can recall correctly, that
2 will be Wilma Colon or Maria Villaran which is also a
3 backup on that -- it's the -- of that job.

4 MR. KUCHARSKI: Okay. Could you spell their
5 names out for me? I don't -- I do have a --

6 MR. BURGOS: Wilma will be W-I-L-M-A, that's
7 Wilma. Colon is her last name, C-O-L-O-N. And the
8 second person, which is Maria, M-A-R-I-A, Villaran,
9 that's V- as in Victor, I-L-L-A-R-A-N, Villaran.

10 MR. KUCHARSKI: Okay. And they were
11 responsible for actually entering the weights into the
12 Cargomax?

13 MR. BURGOS: Yes, sir.

14 MR. KUCHARSKI: Great. Great. Did you --
15 do you have an agent, a ship agent in San Juan?

16 MR. BURGOS: No, sir.

17 MR. KUCHARSKI: Who actually acts as the
18 agent or the person that calls the pilots and arranges
19 any tugs, anything like that?

20 MR. BURGOS: We do it here at the terminal.

21 MR. KUCHARSKI: Great. Great. Is there a
22 specific person or persons that do that?

23 MR. BURGOS: It could be Josue Negron. Or
24 it could be Paula Esquerdo or Wilma. Basically those
25 three. The first person that gets information that

1 needs to like let's say maybe Josue tells -- passes
2 information over to Wilma or Paula like the timing that
3 day.

4 He basically gives them the information on
5 what time he plans to finish the operations or like
6 that. They can start making the calls to the pilots
7 and letting them know if there's a possibility of
8 taking the vessel out at that certain hour.

9 And they confirm. And we just pass the
10 information over then to him. So like then he can pass
11 the information to the vessel, what time is the
12 departure time.

13 MR. KUCHARSKI: Okay. So that's either
14 Negrón, Colon or Esquerdo?

15 MR. BURGOS: That's correct.

16 MR. KUCHARSKI: Great. And do they use any
17 other agency in making any of these arrangements of any
18 type?

19 MR. BURGOS: No, sir. Not on that side.
20 Not for the pilot.

21 MR. KUCHARSKI: How about any other work for
22 tug assistance or anything like that?

23 MR. BURGOS: No, not for tug assistance,
24 sir.

25 MR. KUCHARSKI: Okay. Are you aware of any

1 phone calls in the last six months where tug assistance
2 was required for the El Faro outside of the normal
3 docking or undocking?

4 MR. BURGOS: Not to my knowledge, sir.

5 MR. KUCHARSKI: Let me stop there for a
6 minute. Does anybody have any follow on questions in
7 the --

8 (No response.)

9 MR. KUCHARSKI: Are you aware of any
10 problems that the vessel had with either her propulsion
11 or her navigation equipment or steering or anything
12 like that?

13 MR. BURGOS: No, sir.

14 MR. KUCHARSKI: Have you seen any noticeable
15 difference in the amount of cargo loaded, in the
16 weights loaded, in the past few years in the operation
17 of the ships coming into the terminal there, including
18 the El Faro?

19 MR. BURGOS: Not really. We had -- we have
20 had an increase in cargo of course with one of our
21 competitors leaving the industry. But besides that,
22 that's been for the last year basically.

23 Or even before that, we were already doing
24 very good in cargo. So basically with Horizon leaving,
25 what we did was basically moving cargo with the barges.

1 Which is what we had to do at the moment until we
2 receive our other vessels.

3 But, besides that, it's been more likely the
4 same. The cargo -- Puerto Rico is an island that
5 actually we import a lot of cargo, but we don't expect
6 that much.

7 So basically for every three to for
8 containers that arrive to the island full, we only
9 export like one. So, when I load the vessel back, I
10 mean, I -- I mean San Juan, it's -- you can see a lot
11 of containers go back empty.

12 So, we export a lot of empty containers and
13 very small amounts of cargo leaving the island.

14 MR. KUCHARSKI: Thank you. Thank you. How
15 about between the ships coming in is -- are there only,
16 and say in the last three years, has it only been El
17 Yunque and El Faro?

18 MR. BURGOS: In the last three years, let's
19 see I can't recall exactly when we -- yes, yes.
20 Basically yes, in the last three years only those two.

21 Because we had another vessel which was
22 dedicated to the northeast. And that was coming out of
23 Philadelphia. Which that one was El Morro.

24 But after that service got cancelled, we
25 don't have to deliver enough cargo on the island to

1 bring three vessels. So, we just stick to those two,
2 to El Faro and El Yunque.

3 MR. KUCHARSKI: Okay. Thank you. And was
4 El Morro, was that essentially the same type of ship as
5 El Yunque and El Faro?

6 MR. BURGOS: Yes, sir.

7 MR. KUCHARSKI: Thank you. Of the two ships
8 now, the El Yunque and the El Faro, have they
9 essentially been on that same schedule for the past
10 three years? In other words, you have one ship
11 arriving at San Juan on a certain day, and another ship
12 arriving at San Juan at a different day.

13 Have they been on that same run consistently
14 for the last three years?

15 MR. BURGOS: Yes, sir. We are very
16 consistent with our schedule. And more likely we're
17 here every Monday and every Friday.

18 MR. KUCHARSKI: And would you say that it is
19 El Faro that arrives on Friday?

20 MR. BURGOS: Yes, sir, that's correct.

21 MR. KUCHARSKI: Is there a ship of those two
22 that carries a heavier load than the other?

23 MR. BURGOS: No. I think more likely
24 they're very well balanced.

25 MR. KUCHARSKI: Does someone -- walk us

1 through the -- actually, walk us through the process of
2 the stability and stow calculations. Do you give the
3 vessel a pre-stow plan and pre-stability plan? By that
4 I --

5 MR. BURGOS: That's correct.

6 MR. KUCHARSKI: You do?

7 MR. BURGOS: We actually give them a pre-
8 stow of more likely what we have planned or we have
9 booked for that vessel. So, we give a pre-stow at the
10 beginning of the day.

11 And then during the day of course we provide
12 them the information of the cargo that's arriving. And
13 then of course before they leave, we have to give them
14 our stow plan in writ -- you know, basically on paper
15 and also in a pin drive. A pin drive so they can have
16 it also electronically.

17 We provide that and we also provide them the
18 manifest for reefers, reefer manifest and also the
19 manifest for the dangerous goods.

20 MR. KUCHARSKI: And on the pre-stow plan, is
21 that in a document that you actually give them,
22 electronically or paper?

23 MR. BURGOS: The pre-stow is electronically.
24 We send them electronic via email with our plan on how
25 to load the vessel with the amount of bookings that we

1 have already in the system. Or more likely what's
2 going to come in that day.

3 Because we receive cargo the same day that
4 the vessel's filled. So, that is how we work and so,
5 it's not like we have a restriction that we have to
6 have the cargo 24 hours prior to loading.

7 So, we work a lot with what's fit for that
8 vessel.

9 MR. KUCHARSKI: Would you say that there is
10 a major difference between the pre-stow plan and the
11 final plan?

12 MR. BURGOS: It could be, but it's not
13 something very significant.

14 MR. KUCHARSKI: Do you remember --

15 MR. BURGOS: But it's normally pretty close.
16 Normally we have the same clients. More likely the
17 same amount of cargo. We more likely know exactly the
18 amount of vessel utilization that we have on a weekly
19 basis on each vessel.

20 So, more likely it's always been more likely
21 the same. So, we have a -- always maintain a -- always
22 the same amount every week.

23 MR. KUCHARSKI: Thank you. Thank you. Were
24 you the person that actually sent that electronic pre-
25 stow plan to the vessel?

1 MR. BURGOS: No, sir.

2 MR. KUCHARSKI: Who would that have been?

3 MR. BURGOS: That would be either Paula
4 Esquerdo or Wilma Colon. Or it could be Maria
5 Villaran. Those people are the only ones that always
6 work the stow plan and they always communicate what the
7 plan is for each vessel.

8 MR. KUCHARSKI: Okay. I'd like to know if -
9 - not right now, but I would like to know who actually
10 sent the per-stow plan to them on that last voyage.
11 Who sent that to them electronically. Okay?

12 MR. BURGOS: Yes, I do not have that
13 information at the moment, sir.

14 MR. KUCHARSKI: No, no, no, I understand.
15 And by the way, thank you very much. Everything has
16 been very clear so far. And just to let you know, I
17 may reach out to you for more information. And we may
18 conduct another interview if need be.

19 But, you know, it's been very helpful so
20 far.

21 MR. BURGOS: Sure.

22 MR. KUCHARSKI: Then the -- tell me how the
23 operation works there during the day, the basic
24 overview. Do you communicate with the vessel? Or who
25 communicates with the vessel?

1 Say -- let's talk about the El Faro on this
2 last voyage from San Juan. Who would actually
3 communicate back and forth to the vessel?

4 MR. BURGOS: That would be Mr. Josue Negron.
5 He's the ops superintendent. He's in charge of the
6 operation of the vessel.

7 MR. KUCHARSKI: Did you actually communicate
8 with anyone on the vessel on that last departure from
9 San Juan?

10 MR. BURGOS: No, sir. I don't have that
11 much on communication with the vessel per se, unless
12 there is any special requests. I'm going to say
13 sometimes that they need a vehicle to go get some
14 supplies.

15 But, that's more likely it. Besides that
16 it's pretty much always very like a routine. Basically
17 just rolls the same way every week.

18 MR. KUCHARSKI: Understood. Understood.
19 The persons Negron, Colon and Esquerdo, --

20 MR. BURGOS: Um-hum.

21 MR. KUCHARSKI: Are they all employees of
22 your organization? TOTE Maritime? Or are they
23 employed --

24 MR. BURGOS: Yes, sir.

25 MR. KUCHARSKI: They are. They are. So,

1 it's a little bit different up here. We have portus in
2 between. Does -- is there something like portus that
3 actually oversee the securing of the cargo?

4 MR. BURGOS: Well, we have here the
5 equivalent of portus, that's -- they'll be Intership.
6 And basically they provide the stevedoring union of
7 labor for the -- the labor per se.

8 But, they are not the ones who do the
9 storage line here. A lot is very different from
10 Jacksonville. Here the storage basically is done by my
11 personnel.

12 MR. KUCHARSKI: Okay. And if there were
13 problems with lashing or cargo, who do they go to
14 directly?

15 MR. BURGOS: They'll go straight to Mr.
16 Josue Negron, which he's the supervisor onsite all the
17 time. There's also two other people that work for Mr.
18 Negron. But Negron is -- he's always onsite.

19 MR. KUCHARSKI: Okay. So, it's -- as you
20 mentioned, it's a little bit different.

21 MR. BURGOS: Yes, sir.

22 MR. KUCHARSKI: Up here portus has personnel
23 onboard the ship. And so, the Intership does have
24 people onboard the ship.

25 MR. BURGOS: Yes.

1 MR. KUCHARSKI: But, if there are lashing
2 problems, it's my understanding --

3 MR. BURGOS: Yes, so the stevedores have --
4 the stevedores have their own supervisors also at each
5 location. I mean, for each gang that's working the
6 vessel.

7 But any issue that they have, they'll go
8 straight to Mr. Josue Negron and figure it out right
9 there at the moment.

10 MR. KUCHARSKI: Great. Thank you. Do you
11 have a log book or any document that you keep track of
12 what goes on during the loading process?

13 MR. BURGOS: I do not have a log. But
14 basically after the day finishes, basically each
15 supervisor for Intership provides that information to
16 Mr. Negron. And Mr. Negron places all the information
17 to -- especially the document sheet passes
18 electronically to what -- basically what happened
19 during the operation.

20 And Mr. Negron basically is the one who is
21 the custodian of that document.

22 MR. KUCHARSKI: Okay. I think I understand.
23 So Intership has some kind of a log book where they
24 keep track of the operations on the vessel?

25 MR. BURGOS: Yes, sir.

1 MR. KUCHARSKI: Okay. Do you know what the
2 name of that is? Does it have a specific name, their
3 log book? Or their entries? Is it electronic or is it
4 hard copy? What is it?

5 MR. BURGOS: It's a hard copy which they
6 have. And at the end of the day they have to present
7 it to Mr. Negron so he can sign it. And he's in
8 compliance with what they are stating in that -- well,
9 basically it's called a Statement of Facts of the
10 Operation.

11 And from there basically we get information
12 also when they invoice us, if there was some delay by
13 maybe a crane down or something like that. That's
14 where we get their information from. So, like we know
15 that they're invoicing correctly.

16 MR. KUCHARSKI: And you said this is called
17 a Statement of Facts?

18 MR. BURGOS: Yes.

19 MR. KUCHARSKI: I'm going to pause for a
20 moment to see if any of the group have any questions.

21 (No response.)

22 MR. KUCHARSKI: Do you have any
23 documentation before you right now?

24 MR. BURGOS: I'm sorry?

25 MR. KUCHARSKI: Do you have any documents in

1 front of you right now?

2 MR. BURGOS: No, sir.

3 MR. KUCHARSKI: Okay. Do you know what the
4 arrival drafts were of the El Faro?

5 MR. BURGOS: For the last voyage?

6 MR. KUCHARSKI: Yes. The last voyage coming
7 into San Juan?

8 MR. BURGOS: No, sir. I do not have it at
9 the moment.

10 MR. KUCHARSKI: Do you track those -- the
11 incoming drafts normally?

12 MR. BURGOS: Maybe not -- normally we don't
13 check that very much. Actually the -- it's more likely
14 the information that's provided has all the cargo
15 that's going to arrive and all that, basically it's not
16 like it's the same every week.

17 Not that we have to track, but we do verify
18 that it's okay for the arrival.

19 MR. KUCHARSKI: Okay. Let me just -- along
20 that line, --

21 MR. BURGOS: Okay.

22 MR. KUCHARSKI: Of questioning, does anyone
23 from your operational group physically look at the
24 draft marks when the ship first arrives at the dock in
25 San Juan?

1 MR. BURGOS: Of course. That would be Mr.
2 Josue Negron, as operation.

3 MR. KUCHARSKI: Mr. Negron looks at the
4 draft marks on arrival when the vessel comes to port?

5 MR. BURGOS: Yes, sir.

6 MR. KUCHARSKI: Does he have that -- does he
7 note that anywhere in any document?

8 MR. BURGOS: I really don't know, sir. I
9 don't know if he documents it per se.

10 MR. KUCHARSKI: Okay. So after he looks at
11 the draft marks, what does he do with -- why does he
12 look at the draft marks?

13 MR. BURGOS: Well, in order basically to
14 coordinate how he's going to work the vessel that day.

15 MR. KUCHARSKI: Okay. So --

16 MR. BURGOS: And then in working the vessel
17 basically on which bay he's going to commence with the
18 crane. Where are they going to commence. And either
19 the port side or the starboard side.

20 You know, and so they're on right -- having
21 a well balance operation.

22 MR. KUCHARSKI: Okay. We will probably
23 follow with a request for any notes that Mr. Negron
24 keeps. Any documentation of draft marks or any type of
25 written information that he puts down regarding the

1 vessel operations.

2 Just concentrating on the last few voyages
3 of El Faro. Okay?

4 Cargo problems. If the ship is inbound
5 coming into San Juan, who would report, or who would be
6 the direct person to be notified of any problems with
7 lashings, with cargo damage? Who would that person be?

8 MR. BURGOS: Can you rephrase that?

9 MR. KUCHARSKI: Yes. I'll rephrase. When
10 the ship comes into San Juan, is there any procedure
11 for notifying your office, your operations, you or
12 whoever, that there have been problems with either
13 cargo stowage, cargo damage, broken lashings, anything
14 like that?

15 MR. BURGOS: Yes. Normally that's the --
16 normally that email. All ready send out via email from
17 the Captain of the vessel. And they send out to a
18 group that includes myself and Mr. Josue Negrón, pilot
19 schedule and I think a couple more of the ops
20 personnel. But, people -- the personnel that works for
21 Mr. Negrón.

22 So I think it -- yes, and also MNR if it
23 should be a reefer that is malfunctioning. And from
24 thereon, that's where we get the information.

25 But normally, it's from the Captain. And

1 it's electronically via email.

2 MR. KUCHARSKI: And when is that email sent
3 out? Or when do you actually receive that email?

4 MR. BURGOS: Basically explaining the issue.
5 And when did it -- when they were aware of the issue.
6 I would say the majority of what we see is like on
7 reefers.

8 When a reefer is just out of tent. Or a
9 reefer is off. Like any reason and they couldn't fix
10 it onboard the vessel.

11 They pass information on, they actually, you
12 know, what they did to try to fix it. And since when
13 the issue started. And more like how many pallets are
14 spread with that problem.

15 That's more likely the majority that we
16 receive. I can tell you that I have never seen any
17 issue with lashing.

18 Besides that maybe just a vehicle that maybe
19 was not well positioned and he just moved or it got
20 scratched. Something like that, with one of the areas
21 of the vessel.

22 But besides that, I can recall on reefers,
23 fixtures, the most -- the majority of what we receive.
24 And that hasn't been much either. But I can recall the
25 ones I've seen.

1 MR. KUCHARSKI: And have there ever been any
2 -- you said reefer problems. Anything related to any
3 fire or anything like that on the reefers?

4 MR. BURGOS: No, sir.

5 MR. KUCHARSKI: Okay. And you mentioned
6 never seeing any issues on lashings. How about cargo
7 damage?

8 MR. BURGOS: No, sir. The only cargo damage
9 that we have seen is just let's say a spreader has
10 been, you know, hitting the actual area that's got the
11 container. But then again, it maybe just hit the
12 surface of the container and just maybe made a track.
13 And then you get water inside of a box. And you get a
14 claim.

15 But, that's more likely it.

16 MR. KUCHARSKI: Okay. I'll open it up to
17 any other questions that people have?

18 (No response.)

19 MR. KUCHARSKI: No. There are no further
20 questions. Thank you very much, Mr. Burgos. I will
21 close up the interview now. And if you have anything
22 you can think of, would you -- do you have anything
23 that you can think of though before I close that you'd
24 like to add?

25 MR. BURGOS: No, sir.

1 MR. KUCHARSKI: Okay. We may reinterview.
2 But, I don't think so at this juncture. But, anyways
3 in case we have to, we will reach out.

4 Thank you so much.

5 MR. BURGOS: Sure. Thank you, sir.

6 MR. KUCHARSKI: The time now is 8:47 and the
7 interview is ended.

8 (Whereupon, the above-entitled matter went
9 off the record at 8:47 a.m.)

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C E R T I F I C A T E

MATTER: El Faro Incident
Accident No. DCA16MM001
Interview of Ivan Burgos
Teleconference

DATE: 10-13-15

I hereby certify that the attached transcription of page 1 to 35 inclusive are to the best of my professional ability a true, accurate, and complete record of the above referenced proceedings as contained on the provided audio recording; further that I am neither counsel for, nor related to, nor employed by any of the parties to this action in which this proceeding has taken place; and further that I am not financially nor otherwise interested in the outcome of the action.



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NTSB REPONSE TO TABLE OF CORRECTIONS TO TRANSCRIPT
OF INTERVIEW FOR IVAN BURGOS
TAKEN ON
OCTOBER 13.2015

Page No.	Line No.	Current Wording	Corrected Wording	NTSB Response
7	15	implementation	and documentation	AGREE
7	19	Inventory	Regulatory	AGREE
8	2	trade	credit and	AGREE
8	8	Jackson	Jacksonville	Do not agree, recording states Jackson
8	12	Castle	Caso	AGREE
8	13	Tusa	Juan	Do not agree but after listening sounds like "Santurce"
9	2	Esquerdo	Izquierdo	AGREE
9	2	Treson Natherio	Gerson Nazario	AGREE
9	3	Josue Leon	Josue Negron	AGREE
10	10, 12	Esquerdo	Izquierdo	AGREE
10	13	stowage	stowage planning	Do not agree, transcript reflects recording
11	24	Esquerdo	Izquierdo	AGREE
12	12	information	information from the ship's email	Do not agree, transcript reflects recording
12	14	Esquerdo	Izquierdo	AGREE
14	5	expect	expol l	AGREE
14	7	for	four	AGREE
14	10	--	less full	Do not agree, transcript reflects recording
14	25	don't	didn't	Do not agree, transcript reflects recording
16	14	in writ	is written	Do not agree, transcript reflects recording
16	15	pin (2x)	pen	AGREE
17	4	vessel's	vessel is	AGREE
18	4	Esquerdo	Izquierdo	AGREE
19	19	Esquerdo	Izquierdo	AGREE
20	1,2,5,22	portus	Portus	AGREE
20	6	union of	Union	AGREE
20	9	line	like	Do not agree, transcript reflects recording
21	15	for	fi·om	Do not agree, transcript reflects recording
21	18	basically what happened	basically happened	Do not agree, transcript reflects recording
25	16	normally that email	normally done via email	Do not agree, transcript reflects recording
25	17	Captain	Captain of Chief Mate	Do not agree, transcript reflects recording
25	20	--	are the	Do not agree, transcript reflects recording
25	20	works	work	Do not agree, transcript reflects recording
25	22	MNR	M&R	AGREE
26	8	tent	temp	AGREE

26	13	pallets	outlets	Do not agree, BUT recording sounds like you said "hours they've been" instead of "pallets are spread"
27	10	hitting	hits	Do not agree, transcript reflects recording

Ivan Burgos

Printed Name of Person providing the above information

[REDACTED]

11. 11. 15

Date

NTSB response to Burgos Errata